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REMARKS

The Examiner objected to claims 1 and 9 on account of informalities; rejected claims 1-5, 14, and 15 under 35 U.S.C. § 102(e) as being anticipated by Miller et al. (U.S. Patent No. 6,834,073) ("Miller"); objected to claims 6-13 as being dependent upon a rejected base claim. Applicants amend claims 1 and 14. Claims 1-15 remain in the case.

Objection to Claims 1 and 9

With regard to claim 1, the Examiner objected to the language "of the type." Applicants hereby amend claims 1 and 14 in order to remove this language and clarify the scope of the claimed subject matter. No new matter has been added through these amendments. In light of these amendments, Applicants submit that the ground for objection has been overcome and request that the objection to claim 1 be withdrawn.

With regard to claim 9, the Examiner objected to the language "in any of claims 1-6" on the ground that it is not common practice. Applicants traverse. MPEP 608.01(n)(I)(A) indicates that the language "in any of claims 1-6" is acceptable multiple dependent claim wording. (See sample claim 10: "A gadget as in any of claims 1-3...") Accordingly, Applicants submit that claim 9 is in proper form and request that the objection to claim 9 be withdrawn.

Rejection of Claims 1-5, 14, and 15 Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-5, 14, and 15 under 35 U.S.C. § 102(e) as being anticipated by Miller. Applicants respectfully traverse.

"A person shall be entitled to a patent unless— ... (e) the invention was described in ... (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent..." (35 U.S.C. § 102)

Applicants' invention relates to a tracking generator having a vector modulator. A tracking generator provides a stimulus (e.g. an RF signal) for an RF measurement instrument (e.g. a spectrum analyzer). (Page 1, Background of the Invention, ¶ 2)

Miller teaches an Ultra Wide Band ("UWB") receiver that removes narrowband interference from a received signal.

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With regard to claim 1, the Examiner suggests that a combination of Miller's Radio Controller and Interface 9 (Figure 3A(1)) and prior art conventional receiver (Figure 1; Column 3, lines 37-51) is equivalent to Applicants' "means for generating a baseband signal under control of the controller." Applicants traverse. Applicants agree that Miller's conventional receiver recovers a baseband signal from a received RF signal, as is well known in the art (although there is no indication that Miller's conventional receiver is associated in any way with the Radio Controller and Interface, but this is inconsequential). However, Miller's conventional receiver is very different from claim 1 which describes *a baseband signal generated by a controller*. That is, the Specification describes the language "under control of the controller" to mean that the controller *itself* has "direct control" over the production of baseband signals. (Page 4, Detailed Description, ¶ 1) For example, if the user desires to test inter-modulation distortion, the controller produces baseband modulation consisting of two tones. (Pages 3-4, Detailed Description, ¶ 1) Thus, a combination of Miller's conventional receiver (which recovers whatever baseband signal is contained within the received RF signal) and Radio Controller and Interface is not equivalent to Applicants' claim 1 which produces particular baseband signals "under control of the controller."

The Examiner further suggests that Miller's Local Oscillator 114 ("LO") (Figure 1 and Column 3, lines 37-51) is equivalent to Applicants' "means for modulating the baseband signal with a modulation oscillator frequency to produce a modulation signal." Applicants traverse. Again, Applicants agree that Miller's LO is a means for modulating "incoming RF signals" as is well known in the art. However, Miller's LO does not modulate "the baseband signal" which was "generated under control of the controller," as discussed above.

Finally, The Examiner suggests that Miller's process for synchronizing UWB Waveform Correlator 5 to the incoming UWB signal (Column 9, lines 34-63) is equivalent to Applicants' "means for mixing the modulation signal with a local oscillator frequency from the receiver to produce a test signal having an output frequency that matches a measurement frequency for the receiver." Specifically, the Examiner writes that the output of the UWB Waveform Correlator (which is examined to determine whether the receiver is synchronized to the incoming signal) is a "test signal." (Page 3 of the outstanding Office Action) Applicants traverse. Applicants agree that the output of Miller's Waveform Correlator is used as an "indicator" of synchronization. However, this is not a "test signal" within the meaning of the term given in the Specification.

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The Specification describes a "test signal" as an output signal suitable for stimulating filters, amplifiers, and other devices-under-test in order to observe their frequency response with an RF measurement instrument. (Page 1, Background of the Invention, ¶ 2) No such "test signal" is disclosed in Miller's synchronization process.

For these reasons, Miller does not teach, show, or suggest Applicants' invention as described in claim 1:

"A tracking generator for an RF measurement instrument having a controller and a receiver comprising:

means for generating a baseband signal under control of the controller;  
means for modulating the baseband signal with a modulation oscillator frequency to produce a modulation signal; and  
means for mixing the modulation signal with a local oscillator frequency from the receiver to produce a test signal having an output frequency that matches a measurement frequency for the receiver."

Thus, claim 1 is not anticipated by Miller. Applicants therefore request that the rejection of claim 1 under 35 U.S.C. § 102(e) be withdrawn.

Claims 2-5 depend ultimately from independent claim 1 and are allowable for that reason alone as well as being patentable in their own right. Accordingly, Applicants request that the rejection of claims 2-5 under 35 U.S.C. § 102(e) be withdrawn.

The Examiner objected to claims 6-13 but indicated that they would be allowable if re-written into independent form. Applicants submit that claims 6-13 are allowable in their present form because they depend ultimately from independent claim 1, and therefore request that the objection to claims 6-13 be withdrawn.

Claim 14 is allowable for all the reasons discussed above in regard to claim 1. Accordingly, Applicants request that the rejection of claim 14 under 35 U.S.C. § 102(e) be withdrawn.

Claims 15 depends from claim 14 and is allowable for that reason alone as well as being patentable in its own right. Accordingly, Applicants request that the rejection of claim 15 under 35 U.S.C. § 102(e) be withdrawn.

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Conclusion

In view of the foregoing remarks, allowance of claims 1-15 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,

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